

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>RALPH MACCLEMMY, IV</b>	:	<b>CIVIL ACTION</b>
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	:	
<b>vs.</b>	:	
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<b>COUNTY OF BUCKS, and WARDEN J. ALLEN NESBITT, et al.</b>	:	<b>NO. 02-CV-4024</b>

**DEFENDANT COUNTY OF BUCKS' MOTION FOR SANCTIONS**

Pursuant to Federal Rule of Civil Procedure 37, Defendant County of Bucks ("County") moves this Honorable Court to enter an Order compelling plaintiff to file and serve upon counsel for Defendant County, complete, specific and responsive Answers to County's Interrogatories in accordance with the Order attached hereto. In support thereof, defendant County avers as follows:

1. On or about March 27, 2003 defendant County served Interrogatories upon plaintiff.
2. On May 2, 2003 defendant County made a request upon plaintiff's counsel for answers to the Interrogatories.
3. On May 19, 2003 defendant County made a second request upon plaintiff's counsel for answers.
4. Plaintiff has failed to file answers or object to defendant County's Interrogatories.
5. Defendant County requires the answers to the Interrogatories in order to have information necessary to prepare this matter for trial.
6. Defendant County is being prejudiced by plaintiff's failure to make proper answers to the Interrogatories propounded.
7. Defendant County has, in good faith, attempted to resolve this matter by sending the correspondence referred to in paragraphs 2 and 3 above.

**WHEREFORE**, the defendant County of Bucks, moves this Honorable Court to enter an Order in the form attached hereto.

**BUCKS COUNTY SOLICITOR'S OFFICE**

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**MICHAEL A. KLIMPL, ESQUIRE  
ASSISTANT COUNTY SOLICITOR  
ATTORNEY FOR DEFENDANT  
COUNTY OF BUCKS**

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**vs.**

**COUNTY OF BUCKS, and  
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**CIVIL ACTION**

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**CERTIFICATION OF NON-RESOLUTION**

I certify that I have requested compliance with the Discovery Request by correspondence dated May 2, 2003 and May 19, 2003 and have received no response.

**BUCKS COUNTY SOLICITOR'S OFFICE**

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**MICHAEL A. KLIMPL, ESQUIRE  
ASSISTANT COUNTY SOLICITOR  
ATTORNEY FOR DEFENDANT  
COUNTY OF BUCKS**

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**ORDER**

**AND NOW**, to wit, this                      day of                      , 2003, upon  
consideration of the within Motion of Defendant County of Bucks, it is hereby **ORDERED** and  
**DECREED** that:

1.        The plaintiff shall file and serve upon counsel for defendant County of Bucks, full and complete answers to Defendant County of Bucks' Interrogatories within ten (10) days of the date hereof.
2.        In the event that plaintiff fails to comply with Paragraph No. 1, as noted above, the Court shall impose sanctions, including but not limited to, holding plaintiff in contempt.

**BY THE COURT:**

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**J.**

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**CIVIL ACTION**

**NO. 02-CV-4024**

**CERTIFICATION OF SERVICE**

I, Michael A. Klimpl, Esquire, Assistant County Solicitor, do hereby certify that a true and correct copy of Defendant County of Bucks' Motion for Sanctions and Certification of Non-Resolution and proposed form of Order were forwarded to the following, by United States Mail, First Class, on June 27, 2003.

Benson I. Goldberger, Esquire  
Attorney for Plaintiff  
DION & GOLDBERGER  
1515 Locust Street, 10<sup>th</sup> Floor  
Philadelphia, PA 19102

Malissa R. Sill, Esquire  
Attorney for Defendant Bristol Township  
MARKS, O'NEILL, O'BRIEN &  
COURTNEY, P.C.  
1880 John F. Kennedy Blvd., Ste. 1200  
Philadelphia, PA 19103

**BUCKS COUNTY SOLICITOR'S OFFICE**

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**MICHAEL A. KLIMPL, ESQUIRE  
ASSISTANT COUNTY SOLICITOR  
ATTORNEY FOR DEFENDANT  
COUNTY OF BUCKS**